

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X		
MALIBU TEXTILES, INC.,	:	Index No.: 07-CIV. 4780 (SAS)
	:	
Plaintiff.	:	
	:	
vs.	:	
	:	
CAROL ANDERSON, INC. and CABI, LLC.,	:	
	:	
Defendants	:	
-----X		

**DEFENDANT CAROL ANDERSON, INC. and CABI, LLC.**  
**INITIAL DISCLOSURES UNDER RULE 26(a)(1) OF**  
**THE FEDERAL RULES OF CIVIL PROCEDURE**

CAROL ANDERSON, INC. and CABI, LLC. ("Defendants"), by and through their undersigned counsel, hereby disclose the following information pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

**I. RESERVATIONS**

A. These disclosures are based upon information reasonably available to the Defendants as of this date. Continuing investigation and discovery may alter these disclosures. Accordingly, Defendants reserve the right to supplement the information disclosed below if additional information becomes available.

B. By making these disclosures, Defendants do not represent that any particular document exists within its possession, custody or control.

C. These initial disclosures are made without waiver of, or prejudice to, any objections Defendants may have. Defendants expressly reserve all objections, including but not limited to, objections on the grounds of: *i*) relevance; *ii*) attorney-client privilege; *iii*) the attorney work-product doctrine; *iv*) any other applicable privilege or protection under federal or applicable state law; *v*)

undue burden; *vi*) immateriality; and *vii*) overbreadth.

D. Defendants reserve their right to clarify, amend, modify, or supplement the information contained in these initial disclosures if and when it obtains supplemental information, to the extent required by the Federal Rules of Civil Procedure.

E. Defendants expressly reserve their right to identify and call as a witness additional persons other than those listed below, if, during the course of discovery and investigation relating to the proceeding herein, Defendants learn that such additional persons have knowledge of relevant matters.

F. These initial disclosures are made subject to and without limiting any of the foregoing reservations. Defendants make these disclosures in the belief that an appropriate confidentiality order and rational production limitations can and will be agreed upon by counsel at an appropriate time, should they become necessary.

## **II. INITIAL DISCLOSURES**

1. The name, and if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claim or defenses, unless solely for impeachment, identifying the subjects of the information.

### **RESPONSE 1:**

- a) Tom Ko  
CABI, LLC  
18915 Laurel Park Road  
Rancho Dominguez, CA 90220  
310.638.3333 x634
- b) Petra Farquhar  
CABI, LLC  
18915 Laurel Park Road  
Rancho Dominguez, CA 90220  
310.638.3333
- c) Alan Love  
CABI, LLC  
18915 Laurel Park Road  
Rancho Dominguez, CA 90220  
310.638.3333
- d) Matthew H. Park  
ANYFAB SOURCING d/b/a  
PRIMOWORLD TEXTILES, INC.  
520 Carson Plaza Court, Suite 208  
Carson, CA 90746  
310.965.0311/310.965.0378
- e) Lucy Zhang  
HUZHOU TRIMAX INTERNATIONAL SOURCING LTD.  
d/b/a TRIMAX INTERNATIONAL  
15F, Building 2-B  
International Garden  
Huzhou, Zhejiang, China  
0086.572.2626016

Individuals named in “a”, “b” and “c” above are familiar with the Defendants’ transactions with Plaintiff in this action and/or with transactions by and between Defendants in this action and the

firms named in "d" and "e" above, as well as with Defendants' transaction concerning the allegedly infringing materials. Upon information and belief, the persons named in "d" and "e" above are familiar with the creation, manufacture, and sale of the allegedly infringing items or their constituent elements.

2. A copy of, or a description by category and location of, all documents, data compilations, and tangible things in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

**RESPONSE 2:**

- a) Purchasing records of Defendants;
- b) Selling records of Defendants;
- c) Bookkeeping, accounting and financial records of Defendants.

3. A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

**RESPONSE 3:**

N/A

4. For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

**RESPONSE 4:**

To be supplied.

**Certification.**

**I, Harlan M. Lazarus, Esq.,** hereby certify that to the best of my knowledge, information and belief, formed after reasonable inquiry, that the disclosures made herein are complete, accurate and correct as of the time it was made, and the same incorporates all information

presently known to Defendants. Defendants reserve their right to supplement these initial disclosures if additional relevant individuals or documents are later identified.

Respectfully submitted this 2<sup>nd</sup> day of August, 2007.

**LAZARUS & LAZARUS, P.C.**

*Attorneys for Defendants*

CAROL ANDERSON, INC. and CABI, LLC.

By: \_\_\_\_\_

**HARLAN M. LAZARUS (HML-0268)**

240 Madison Avenue, 8<sup>th</sup> Floor

New York, New York 10016

Tel. (212) 889 7400

Fax. (212) 684 0314

To: **COWAN, DEBAETS, ABRAHAMS  
& SHEPPARD LLP.**

*Attorneys for Plaintiff* MALIBU TEXTILES, INC.

41 Madison Avenue, 34<sup>th</sup> Floor

New York City, New York 10010

Attention: **NANCY E. WOLFF, ESQ.**

**MATTHEW A. KAPLAN, ESQ.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MALIBU TEXTILES, INC., :  
 :  
 :  
 Plaintiff, :  
 :  
 -against- :  
 :  
 CAROL ANDERSON, INC., ET AL. :  
 :  
 Defendants. :  
-----X

Index No.: 07-Civ. 4780 (SAS)

**DEFENDANT CAROL ANDERSON, INC. and CABI, LLC.**  
**INITIAL DISCLOSURES UNDER RULE 26(a)(1) OF THE**  
**FEDERAL RULES OF CIVIL PROCEDURE**

LAZARUS & LAZARUS, P.C.  
*Attorneys for Defendants*  
240 Madison Avenue, 8<sup>th</sup> Floor  
New York, New York 10016  
Tel. (212) 889-7400